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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,587	07/20/2001	Richard O. Shuler	043340/237124	2209

826 7590 03/13/2008

ALSTON & BIRD LLP
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101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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03/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09909587	7/20/2001	SHULER ET AL.	043340/237124

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EXAMINER

JOHN M. WINTER

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20080225

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Commissioner for Patents

A1. The USPTO's Board of Patent Appeals and Interferences ("Board") returned this application to the Examiner. See "Order Returning Undocketed Appeal to Examiner" mailed December 28, 2007 ("2007 Order").

A2. In the 2007 Order, the Board ordered the Examiner to:

- (1) to issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8);
- (2) to clarify the status of the Evidence submitted by Appellants after Appeal in the Appeal Brief; and
- (3) for such further action as may be appropriate.

A3. In accordance with (1) above, the Examiner states that at page 9 line 2 of the Examiners Answer filed on March ,7, 2007, "the Downes reference" was erroneously referred to. Instead, the intended reference was " the Pratt reference." The Pratt reference is of record and noted in the Examiner's Answer.

A4. In accordance with (2) above, the reference cited by the Appellant in the Appeal Brief (received on November 14,2006) was not previously presented to the Examiner. Nevertheless, the Examiner has considered the reference.

A5. In accordance with (3) above, it is the Examiner's position that no further action is necessary.

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621

